

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

WITOLD BAGINSKI,

Plaintiff,

V.

BOROUGH OF WALLINGTON;  
EUGENIUSZ RACHELSKI, individually  
and in his official capacity as Councilman;  
KHALDOUN ANDROWIS individually and  
in his official capacity as Councilman;  
MELISSA DABAL, individually and in her  
official capacity as Councilwoman; BRYAN  
OLKOWSKI, individually and in his official  
capacity as Councilman; VICTOR POLCE,  
individually and in his official capacity as  
Borough Administrator, XYZ CORP. INC.  
(1— 10); JOHN DOES (1-10) AND JANE  
DOES (1- 10),

Defendants

CASE NO: 2:17-cv-05320 (JLL) (JAD)

Civil Action

**CERTIFICATION OF  
RICHARD MALAGIERE, ESQ.**

I, Richard Malagiere, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and am admitted to practice before the United States District Court for the District of New Jersey.
2. I am the Borough Attorney for the Defendant, Borough of Wallington (the “Borough”), and my firm is co-counsel for the Borough in this matter.
3. I make this certification in opposition to the motion by Plaintiff, Wiltold Baginski, for discovery sanctions, related to the Borough’s production of documents in July and August of this year.
4. As part of my handling of this matter, I have worked to facilitate communication between Borough employees and officials to ensure that all relevant materials have been identified and produced in discovery.

5. To that end, in or about July 2020, I sought to confirm that relevant documents have been produced. This included the report of an investigation by the firm of Ruderman & Glickman about complaints by Baginski that Defendant, Melissa Dabal, had violated the Open Public Records Act by accessing OPRA logs at the Borough and all available emails from Baginski's employer provider email accounts,

6. On July 17, 2020 at 4:50 AM, I directed Mathew Gilson, Esq. (an associate in my office) to review previous discovery responses to confirm that this had been produced and, if it had not been produced, to work with the Borough's information technology consultants and the Borough Administrator, Hector Olmo, to obtain this material and produce it as soon as possible.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Richard Malagiere  
RICHARD MALAGIERE  
THE LAW OFFICES OF RICHARD  
MALAGIERE, P.C.  
Attorneys for Defendant, Borough of  
Wallington  
250 Moonachie Road, Suite 102  
Moonachie, New Jersey 07074  
Tel: (201) 440-0675  
les@malagierelaw.com

DATED: November 2, 2020